

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SONOS, INC.,
Plaintiff

No. 6:20-cv-881-ADA

v.

GOOGLE LLC,
Defendant

**GOOGLE LLC'S MOTION TO EXPEDITE THE BRIEFING SCHEDULE ON ITS
MOTION TO STAY CLAIM CONSTRUCTION PROCEEDINGS PENDING
RESOLUTION OF GOOGLE'S *MANDAMUS* PETITION**

Defendant Google LLC (“Google”) respectfully requests an expedited briefing schedule on its Motion to Stay (the “Motion”). Specifically, Google respectfully requests that the Court set a briefing schedule in which Sonos’s opposition to Google’s Motion is due by 10 a.m. Central Time on Thursday, August 5, 2021. In an effort to expedite a ruling on this Motion and avoid burdening the Court with additional filings, Google agrees to waive its Reply and does not request a hearing.

As set forth in Google’s brief in support of its Motion, the Court should stay claim construction proceedings, including the upcoming *Markman* hearing, until the Federal Circuit has had an opportunity to rule on Google’s *mandamus* Petition to be filed shortly. Absent a stay, Google will be deprived the opportunity to seek meaningful appellate review prior to the *Markman* hearing. While this Court held that the forum selection clause is inapplicable here, Google should have the opportunity to raise this issue with the Federal Circuit and thereby ensure that there are no substantive rulings from a potentially improper venue, particularly with respect to claim construction proceedings which are among the most important events in the case.

There is good cause to expedite the briefing on Google’s Motion. The Court issued its order denying Google’s transfer motion on August 2, 2021, and Google expeditiously and diligently filed its Motion the following day. Nevertheless, because the Court has scheduled the *Markman* hearing in this matter for August 10, 2021, without an expedited briefing schedule, the *Markman* hearing will proceed before Google can obtain a ruling on its Motion. Google thus respectfully requests that this Court order the briefing schedule outlined above so that the Court can resolve the Motion in advance of the *Markman* hearing.

DATED: August 3, 2021

Respectfully submitted,

By /s/ Charles K. Verhoeven

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Counsel for Defendant Google LLC

CERTIFICATE OF CONFERENCE

I hereby certify that, on August 2, 2021 and August 3, 2021, counsel for defendant conferred with counsel for plaintiff by email regarding the relief requested in Google's Motion to Stay and this motion to expedite the briefing schedule. Counsel for plaintiff indicated it opposes Google's motions.

Dated: August 3, 2021

/s/Charles K. Verhoeven

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that, on August 3, 2021, all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system

Dated: August 3, 2021

/s/Charles K. Verhoeven